

Amendment No. 1 to HB1099

Lundberg
Signature of Sponsor

AMEND Senate Bill No. 56*

House Bill No. 1099

by adding the following new subsection (f) to Section 29-11-107 of the amendatory language of
SECTION 1:

(f) This section shall not prevent parties from entering into a legally enforceable
contract that allocates fault in a civil action among the parties to the contract.

AND FURTHER AMEND by deleting subsection (b) of § 29-11-107 of the amendatory language
of SECTION 1 and substituting instead the following:

(b) Notwithstanding subsection (a), the doctrine of joint and several liability
remains in effect:

(1) To apportion financial responsibility in a civil conspiracy among two
(2) or more at-fault defendants who, each having the intent and knowledge of the
other's intent, accomplish by concert an unlawful purpose, or accomplish by
concert a lawful purpose by unlawful means, which results in damage to the
plaintiff; and

(2) Among manufacturers only in a product liability action as defined in §
29-28-102, but only if such action is based upon a theory of strict liability or
breach of warranty. Nothing in this subsection (b) eliminates or affects the
limitations on product liability actions found in § 29-28-106.